IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 445 of 2005

Between:

Nallapaneni Ramamma, W/o Late Subbarayudu,
r/o Yepinapi Village, Kaligiri Mandal, Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Kaligiri,Kaligiri Mandal,

Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction one more particularly in the nature of writ of Mandamus declaring the action of the 1st respondent in not entertaining the appeal and stay petition filed by the petitioner against the proceedings of the 2nd respondent dated 20-10-2004 in Rc.k.No. 2410/2004 in respect of Ac. 2-88 cents of dry land in Sy.No. 1953- 3 and in respect of Ac. 2-63 cents of dry land situated in Sy.No. 1953-4 at Yepinapi Village of Kaligiri Mandal, Nellore District as illegal, arbitrary, unjust and in violation of Articles 14 and 21 of Constitution of India and provisions of A.P. Act 9 of 1977 and principles of natural justice and consequently direct the 1st respondent to entertain the appeal and stay petition filed by the petitioner and pass such other orders and further reliefs.

Counsel for the Petitioner: MR.M.VENKATA NARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue, and with their consent, the Writ Petition itself is disposed of at the stage of admission.

In this writ petition, the petitioner is challenging the impugned order dated 20.10.2004 passed by the 2nd respondent-Revenue Divisional Officer in exercise of the powers under the Provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') in respect of Ac.2.88 cents in Sy.No.1953-3 and Ac.2.63 cents in Sy.No.1953-4 of Yepinapi village, standing in the name of the petitioner. It is submitted that against the orders passed by the 2nd respondent-Revenue Divisional Officer, the petitioner already preferred appeal under Section 4 of the Act, and also filed petition to suspend the orders of the 2nd respondent-Revenue Divisional Officer, which are pending on the file of the 1st respondent-Joint Collector. Assailing the action of the 1st respondent-Joint Collector, in not entertaining and disposing of the appeals, the petitioner filed this writ petition.

In the circumstances, the Writ Petition is disposed of at the stage of admission directing the 1st respondent-Joint Collector to consider the appeal and the suspension petition said to have been filed by the petitioner and pass appropriate orders either on the suspension petition or on the appeal in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

Dated: 20.01.2005

Dsr/nsr

ASSISTANT REGISTRAR

To:

1. The Joint Collector, Nellore,

Nellore District

2. The Revenue Divisional Officer, Kavali,

Nellore District

3. The Mandal Revenue Officer,

Kaligiri, Kaligiri Mandal, Nellore District

4. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies